



11 AUG 2003

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In re Application of
PETER SOPP et al.
Application No.: 09/937,913
PCT No.: PCT/DE00/00837
Int. Filing Date: 17 March 2000
Priority Date: 01 April 1999
Attorney's Docket No.: A34661-PCT-USA
For: GUIDE SYSTEM FOR A ROLLING MILL,
ESPECIALLY FOR A MILL TRAIN

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DECISION ON PETITION

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UNDER 37 CFR 1.181
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This is in response to applicant's "Letter Request for Reconsideration" of Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action, treated as a renewed petition under 37 CFR 1.181 filed in the United States Patent and Trademark Office (USPTO) on 21 April 2003 alleging that applicant did not receive the Notification of Missing Requirements mailed on 20 November 2001.

BACKGROUND

A review of the application file reveals that the NOTIFICATION OF MISSING REQUIREMENTS was mailed by the USPTO on 20 November 2001 indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and \$130 surcharge for filing the oath or declaration after the thirty month period was required. Applicant was given two months to respond to the Notification or until 20 January 2002 with extensions of time (up to 5 months) available under 37 CFR 1.136(a).

No response to the Notification of Missing Requirements was received, and thus, the application was held to be **ABANDONED** as of midnight on 22 June 2002 (20 June 2002 was a Saturday and 21 June 2002 was a Sunday). On 13 November 2002, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicant.

On 20 December 2002, applicants filed a petition under 37 CFR 1.181. On 31 March 2003, this office mailed its decision, which dismissed the petition without prejudice on the grounds that applicants had not provided the proper showing in order to establish that papers were not received. The decision indicated that applicants had not provided a copy of the docket record showing all responses docketed for the date a response was due (20 January 2002 in this case) showing that there was no record of a response for the present application being due on that date.

On 21 April 2003, applicants submitted the instant "Letter Request for Reconsideration"

along with a copy of the docket record for 20 January 2002. Applicants submitted a proper reply, that is, a copy of the docket record for the date a response was due (20 January 2002 in this case) showing that there was no record of a response for the present application being due on that date. Counsel also explained the law firm's docket record for the month of November 2001 previously submitted; that the term "Missing Parts" is a short version of "Missing Requirements" and that the "docket record for each file is a 6 month 'Final Deadline' date and a 2-month "Response Due" date. Thus, applicant has now provided the proper showing necessary to withdraw the holding of abandonment and the petition is granted at this time.

CONCLUSION

For the reasons indicated above, the renewed petition is **GRANTED**. The Notification of Abandonment (Form PCT/DO/EO/909) mailed on 13 November 2002 is **VACATED**.

The application will be forwarded to the U.S. Designated/Elected Office for further processing including issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for filing the oath or declaration after the thirty month period is required.



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